

Remarks

Claim 4 requires “printing a translucent colored image on the film, the film and printed translucent colored image allowing light to pass through it but diffusing it so that objects on either side cannot be clearly distinguished from the other side . . .”

This is not shown or suggested by US Patent 6, 030,002 to Charley et al. either alone or in view of US Patent 5,672,413 to Taylor, et al. Therefore, any rejection under 35 U.S.C. §103 on the basis of these two references is respectfully traversed.

The examiner in rejecting Claim 4 stated:

“ . . . Charley et al teach that mirror-image printing with the use of an opaque white **34** is a *preferred* (i.e. not exclusive) method (See column 2, lines 62-64), and at column 2, lines 40-60 Charley et al describe a method of printing a colored image with no use of an opaque white **34**.”

This is respectfully traversed.

The language cited by the examiner in column 2, lines 40-60, describes a method of printing a colored image which uses opaque white. In this text, Charley recites:

“the film material **14** is continuously fed into the machine **23** and through its flexographic print stations **24a-24g**. At each print station **24a-24g**, one side of the translucent film **16** of the film material **14** is flexographically printed with a portion of the border design **20**. Each additional print station **24a-24g** adds another ink color and another portion of the border design **20**.

At column 3 in describing this in greater detail, Charley et al states in the 8 station set-up that: “the fourth station **24d** with the opaque white **34** . . .”. Thus the description in column 2, lines 40-60 is of a device including print stations **24a-24g** and includes an opaque white-applying station **24d**.

The reference to the “preferred method” at column 2 line 62 is understood to refer to a preferred way of accomplishing a mirror-image printing using opaque white and not to printing without the use of opaque white. This preferred manner of mirror-image printing is then explained in column 2 lines 61-66, which elaborate on sandwiching opaque white between identical sequences of colors.

In column 1 lines 52-56, Charley et al recites as follows: “Another object and advantage of the invention is that mirror-image printing is used. As such, the border

design is created by printing on only one side of the film yet the border design gives the impression that it has been printed on both sides of the film.”

Thus, it is an object to use mirror-image printing and the only way disclosed in Charley et al of accomplishing this is the use of opaque white. It would be inconsistent with the teachings of Charley et al to disregard this object to provide a translucent image as in Claim 4.

There is no suggestion in Charley et al of applicants’ method of claim 4. Silence cannot be taken as a teaching. Out of this myriad of ways of printing, in the absence of a teaching in Charley et al of applicants’ claim 4, there is simply no suggestion of this claim..

The examiner has also referred to text in Charley et al purporting to recite the covering of the printed image and non-printed areas of the film 16 with a very thin layer of translucent varnish. The examiner referred to text at column 2, lines 57-59. This text in fact recites: “Here, the smooth surface rollers of the station 26 apply a very thin layer of varnish 36 to the border design 20 and non-printed areas of the translucent film 16.” There is no reference in this particular text to translucent varnish.

The examiner also pointed to column 4, lines 53 through 55. This particular text is part of Claim 9. The context of Claim 9 includes lines 50-55, which recite “. . . (b) a very thin multi-colored design flexographically printed on one side of said translucent cling vinyl film in mirror-image format; and (c) a very thin layer of translucent varnish covering said design.” (Emphasis added.)

Thus, this text is another example of mirror-image printing which, in Charley, is accomplished by using opaque white.

Since Charley et al does not have or suggest printing a translucent colored image on the film, the film and printed translucent colored image allowing light to pass, and since this deficiency is not cured by US Patent 5,672,413 of Taylor et al, Claim 4 should be allowed.

Claims 5 and 6 were rejected under 35 U.S.C. §103(a) on the basis of Charley et al, in view of Taylor et al and further in view of Rega et al (6,054,208), GB 2324381, and an advertisement for a Solar Stat product. This rejection is respectfully traversed.

Claim 5 depends on Claim 4 and should be allowable for the reasons given above in support of its parent Claim 4 and because of the independently patentable combination of method acts set forth in this claim.

Claim 6 also recites the act of printing a translucent colored image on the film and thus should be allowable for the reasons given above in support of Claim 4. In addition, Claim 6 also requires the act of providing a printed colored image which is assembled from individual pieces to fill spaces larger than the individual pieces.

Therefore, Claim 6 should be allowed.


Claims 19, 20, and 21 are newly added. Each of these claims requires the act of lithographically printing a translucent colored image.

In contrast, Charley et al teaches a flexographic printing process. In fact, at column 1, lines 47-50, the Charley et al reference recites: "An object and advantage of the invention is that the border cling decal is produced via a flexographic printing process which allows for the border to be made in a continuous roll format instead of sheet format." It would be contrary to this object and advantage in Charley et al to use a lithographic printing process. Therefore, one would not substitute a lithographic process for the flexographic process set forth in Charley et al.

Therefore, these newly added claims should also be in condition for allowance.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By 
David P. Petersen
Registration No. 28,106

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446